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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,368	09/26/2001	Quan-Chiu Harry Lam	SJO920010028US1	6415
7590	04/29/2004		EXAMINER	
Ron Feece INTERNATIONAL BUSINESS MACHINES CORPORATION Dept. L2PA 5600 Cottle Road San Jose, CA 95193			OMETZ, DAVID LOUIS	
			ART UNIT	PAPER NUMBER
			2653	10
			DATE MAILED: 04/29/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/965,368	LAM ET AL.
	Examiner David L. Ometz	Art Unit 2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 April 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 3,6,9,10,13,16 and 21-24 is/are allowed.
- 6) Claim(s) 1,2,5,7,8,11,12,14,15 and 17-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

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1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/19/04 and attached to paper number 9 has been entered.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 4, 5, 7, 8, 11, 12, 14, 15, 17, 18, 19, 20 are rejected under 35 U.S.C. 102(e)

as being anticipated by Saitho et al (US Patent Application Publication US2003/0128480).

Saitho et al shows a magnetic head assembly for use in a disk drive (and the corresponding spindle motor, disks, actuator, circuitry, etc.) in figures 1, 2, and 18 that has: a write head with ferromagnetic first pole piece 12 with a yoke portion and a pole tip portion adjacent the ABS plane 76; second pole piece layer 14 with a yoke portion that connects at the back gap portion with the yoke of the first pole piece 12 and a pole tip portion 141 forming a portion of the ABS plane 76; a write gap layer 84 located between the pole tip portions; an insulation stack 86/90 for coils 88; the pole tip portion of the first pole piece having non-overlapping first and second components wherein the first component forms a portion of the ABS (see the attached

examiner's marked-up figure 2 of Saitho et al) and the second component recessed from the ABS wherein the second component has a width which is less than the width of the first component and is entirely within a region which is recessed from the ABS. A third component (again see the attached examiner's marked-up figure 2 of Saitho et al) is connected to the first component through the second component wherein the width of the third component is greater than the width of the second component; a read sensor 78 with shields 74/121 and read gaps 80; and the first pole piece 12 is located between the read head 78 and the second pole piece 14. As per claims 17-20, the pole tip portion of the first pole piece 12 has a reduced cross section area located entirely in a region recessed from the head surface (the reduced portion is caused by the rectangular hole in layer 122, best seen in figure 2).

4. Claims 3, 6, 9, 10, 13, 16, 21-24 are allowable over the art of record.
5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection to Saitho et al.
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references cited all show inductive thin film heads with particular arrangements of the first and second poles for the pole tip portion adjacent the air bearing surface.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David L. Ometz whose telephone number is (703) 308-1296. The examiner can normally be reached on M-W, 6:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David L. Ometz
Primary Examiner
Art Unit 2653

DLO
4/28/04